

FILED 08 AUG 15 08:42 USDC ORP

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF OREGON

JANICE TINGEY-JEWELL,

Plaintiff,

v.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

Case No. 3:07-cv-1872-MO

JUDGMENT AND ORDER OF REMAND

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Based on the stipulation of the parties, it is hereby ORDERED that the above-captioned case be REVERSED and REMANDED for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the ALJ will conduct a diligent search for the missing recording of the November 2005 hearing and will then conduct a de novo hearing. The ALJ will also allow the claimant to present additional evidence to support her alleged impairments. The ALJ will also consider the third party report of Rhiannon Richardson; the records of Don White, D.C.; and the limitations identified by the state agency physicians. The ALJ will also re-assess the severity of all of the claimant's alleged impairments, and proceed through the remainder of the sequential evaluation process as appropriate. The ALJ will also obtain additional medical expert and/or vocational expert testimony, if necessary.

Plaintiff is entitled to reasonable attorney fees and costs pursuant to 28 U.S.C. § 2412(d), upon proper request to this Court.

JUDGMENT is entered for Plaintiff and this case is closed.

DATED this 14 day of Aug 2008.

  
UNITED STATES DISTRICT JUDGE

Presented by:

/s/ CAROL A. HOCH  
Special Assistant U.S. Attorney  
Office of the General Counsel  
Social Security Administration  
(206) 615-2684  
Of Attorneys for Defendant